

REMARKS

Claims 1 and 3-28 are pending in the application. Claims 13 and 14 are amended herein. In view of the foregoing amendments and the following remarks, applicant believes that all of the pending claims are in condition for allowance.<sup>1</sup>

In paragraph 1 of the office action, the examiner rejected claims 1, 3-11, 21-26 and 28 under 35 USC 103(a) as being unpatentable over Bateman et al. in view of Srinivasan. In paragraph 2 of the office action, the examiner rejected claims 12-20 and 27 under 35 USC 103(a) as being unpatentable over Bateman et al. in view of Srinivasan and further in view of Szlam et al.

In response, applicant submits that the examiner has either misread the references, particularly Srinivasan, and/or has failed to give due consideration to all of the elements of the pending claims.

In particular, claims 1 and 13 are directed to, for example, a system for providing an automatic telephone call back comprising means for causing said automated dialer system to substantially immediately redial said telephone number to be dialed and for

---

<sup>1</sup> Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

continuously redialing said telephone number to be redialed if said telephone number dialer detects a busy signal. Likewise, claim 22 is directed to a method for providing a telephone call back from a request comprising the step of causing the telephone number to be dialed substantially immediately and continuously redialing the telephone number if a busy signal is detected.

In discussing the references, the examiner acknowledged that Bateman "does not teach [] the callback being repetitive when encountering a busy signal." The examiner states, however, that "Srinivasan teaches [an] ACD arrangement for automatically returning a call wherein the return call is repeated until the call goes through or until a certain time period expires. (Abstract, Col. 2, lines 34-36)." With all due respect, periodically repeating a call back is not the same as continuously redialing the call as required by claims 1 and 22.

A careful examination of Srinivasan at col. 6, line 65 through col. 8 line, line 2 and Figure 6 reveals that Srinivasan teaches that if a call does not go through because of, for example, a busy signal, then the call record is returned to a scheduling queue for further processing. In particular, Srinivasan provides that:

"if [at step 613] ringback is not promptly received, indicating that the return call did not reach the original caller's telephone 112, module 205 returns the found call record to module 204 and module 204 returns it to A table 221, at step 609. Activity then proceeds to step 610." (Srinivasan at col. 7, lines 35-40, describing Figure 6.)

After step 610, activity proceeds through steps 601-612 as shown in Figure 6 before any additional calls are made. (Id. at Fig. 6). Thus, after a busy signal is received on an attempted call, the call record is returned to Table A where it may or may not have priority as the next call to be dialed. If it does not have priority clearly the system of Srinivasan will not continuously redial the call as required by claims 1, 13 and 22. Moreover, even if the call is the only call in Table A at 610, it is clear that the system of Srinivasan will not continuously redial the call upon detection of a busy signal since it must first carry out the many steps and tests from 601-612. Thus, it should be apparent from this review that Srinivasan is, in fact, teaching away from continuously redialing a number in response to a busy signal.

With respect to Bateman and Szlam, the examiner has acknowledged that Bateman does not teach or suggest the continuous redialing element, and Szlam, which is cited with respect to the

predictive dialing element of claims 12-20 and 27, is clearly not relevant to the continuous redialing feature of claims 1, 13 and 22.

Thus, applicant submits that neither Bateman nor Srinivasan whether considered alone or together with any other reference of record teach or suggest all of the elements of claims 1, 13 or claim 22. Accordingly, applicant submits that the rejections of claims 1 and 22 under 35 USC 103(a) are improper and should be withdrawn and that the rejection of claim 13 has been overcome and should be withdrawn. Moreover, since claims 3-12 depend variously from claim 1, and since claims 14-21 depend variously from claim 13, and since claims 23-28 depend variously from claim 22, applicant submits that the rejections of claims 3-11, 14-21, and 23-28 are likewise improper and should be withdrawn.

In view of the foregoing, applicant believes that all of the pending claims are in condition for allowance and early and favorable action on the merits is requested. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

In re: Malcom B. Strandberg  
Filed: September 28, 1998  
Serial No.: 09/161,816  
Page 8

Respectfully submitted,

Malcom B. Strandberg

By



R. Anthony Diehl  
Registration No. 38,432  
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.  
835 Hanover Street, Suite 301  
Manchester, New Hampshire 03104

Telephone: (603) 623-5111  
Facsimile: (603) 624-1432

Date: 7/17/02

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the Claims:

Claims 13 and 14 have been amended as follows:

Claim 13(amended). A system for providing a telephone call back from a request transmitted over a global computer network from a data terminal located at a remote location, said request including call back data including at least a telephone number to be called, said system comprising:

a data path interface, connected to said global computer network, for interfacing with said global computer network and receiving said request over said global computer, for identifying said call back data, and for storing said call back data including said at least one telephone number in a call record store; and

an automated dialer system, responsive to said call record store, for retrieving said telephone numbers in said call record store and automatically calling said telephone numbers, said automated dialer system including:

a call scheduler, for ordering and scheduling said telephone numbers; and

a predictive dialer, responsive to said ordered telephone numbers, for initiating dialing of each of said

ordered telephone numbers as scheduled, and for connecting an answered call to a telephone of an available agent coupled to said automated dialer system; and  
means for causing said call scheduler and predictive dialer to substantially immediately redial said telephone number to be dialed and for continuously redialing said telephone number to be redialed if said telephone number dialer detects a busy signal.

Claim 14(amended). The system of claim [11] 13 wherein said predictive dialer includes a call pacer that paces dialing of said telephone numbers according to a call pacing algorithm.